

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/770,108

Filing Date January 25, 2001

First Named Inventor Marks de Chabris et al.

Art Unit 3624

Examiner Name Alain L. Bashore

Attorney Docket Number GHS-PT001

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**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
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- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Summary of April 5, 2005 and  
May 2, 2005 Telephonic  
Interviews

Remarks

**OFFICIAL FACSIMILE**

3 PAGES SENT VIA FACSIMILE TO 703-872-9306.  
PLEASE IMMEDIATELY DELIVER TO EXAMINER ALAIN L. BASHORE,  
GROUP ART UNIT 3624.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                          |          |        |
|--------------|--------------------------|----------|--------|
| Firm Name    | VOLPE AND KOENIG, P.C.   |          |        |
| Signature    | <i>Ryan W. O'Donnell</i> |          |        |
| Printed name | Ryan W. O'Donnell        |          |        |
| Date         | May 2, 2005              | Reg. No. | 53,401 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being sent Via Facsimile (703-872-9308) addressed to: Examiner Alain L. Bashore, Group Art Unit 3624, on the date shown below:

|                       |                          |      |             |
|-----------------------|--------------------------|------|-------------|
| Signature             | <i>Ryan W. O'Donnell</i> |      |             |
| Typed or printed name | Ryan W. O'Donnell        | Date | May 2, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comment on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 02 2005

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In the PATENT APPLICATION of:**

Marks de Chabris et al.

**Application No.:** 09/770,108**Confirmation No.:** 5358**Filed:** January 25, 2001**For:** ORDER MATCHING SYSTEM**Group:** 3624**Examiner:** Alain L. Bashore**Our File:** GSH-PT001**Date:** May 2, 2005**3 PAGES VIA FACSIMILE  
TO 703-872-9306****SUMMARY OF APRIL 5, 2005 AND  
MAY 2, 2005 TELEPHONIC INTERVIEWS**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On April 5, 2005, attorney for Applicants contacted Examiner Alain L. Bashore via telephone to discuss the following errors in the March 11, 2005 Office

**Action:**

- 1) Paragraph 2 (pg. 2) of the Office Action states, "[c]laims 1-21 are rejected under 35 U.S.C. 101 ...." In the present application, claims 2 and 3 were previously cancelled and are no longer pending in this application.
- 2) Paragraph 2 (pg. 2) of the Office Action further states, "[t]he terms 'communications network', 'heuristic', 'data storage means', 'schedule supervisor means', 'transaction supervisor', all are not solely by computer." Pursuant to Applicant's October 12, 2004 Reply, the terms "data storage means" and "schedule supervisor means" are no longer recited in the claims. In addition, the term "transaction supervisor" was amended to recite either "transaction supervisor software" (claims 10 and 11) or "transaction supervisor server" (claims 16 and 17) and are no longer recited in the claims.

**Applicant:** Marks de Chabris et al.  
**Application No.:** 09/770,108


Based on these errors, Examiner Bashore stated that Applicants should not respond to the March 11, 2005 Office Action, and that he would withdraw the March 11, 2005 Office Action and issue a new Office Action to correct these errors. The Examiner further stated that the response period will be reset upon issuance of the corrected Office Action.

On May 2, 2005, having not received the corrected Office Action, counsel for Applicants contacted Examiner Bashore via telephone to discuss the status of the corrected Office Action. Examiner Bashore confirmed that a corrected Office Action would be prepared in the near future, and advised Applicants' counsel to prepare an interview summary to memorialize these discussions.

Accordingly, Applicants' current understanding is that the March 11, 2005 Office Action is or will be withdrawn and that no response is required. Further, Applicants understand that a new Office Action setting a new period for Reply will be issued. If this understanding is not correct, it is requested that the Examiner contact that undersigned by telephone as soon as possible so that a written response can be filed.

Respectfully submitted,

Marks de Chabris et al.

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